IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:05cv265

LISA MICELI,	
Plaintiff,	
Vs.	ORDER
KBRG OF STATESVILLE, LLC; and KBRG HOLDINGS, INC.,))
Defendants.)))

THIS MATTER is before the court on periodic docket review. Review of the pleadings reveals that the Stay entered January 30, 2008, automatically lifted when the district court entered its July 24, 2008, Order. The Stay provided as follows: "all deadlines and settings contained in the Pretrial Order are STAYED pending further Order of the district court as to docket entry #36." Order, Docket Entry #63, at 2. With such stay having dissolved more than 60 days ago, the time remaining in the Pretrial Order has now expired and this matter is ripe for placement on a trial calendar.

The court has also reviewed pending motions #51 and #53. The district court provided the parties with specific guidance on such motions in its Order, instructing the parties as follows:

To the extent defendants still wish to have their discovery motions filed in December 2007 decided upon after the parties have an opportunity to reevaluate their respective legal positions in light of the instant Order, the Court will entertain such a motion at counsel's request.

Order, Docket Entry 65, at f.n.5. Despite the passage of more than 60 days,

defendants have not filed any such motion. The court will deem such motions moot.

This case is now the second oldest matter pending in the Statesville Division

and is eligible for placement on the next trial calendar. There is, however, the

possibility that this Order has caught the parties off guard and that they are in need

of additional time for discovery or to file motions. The court will entertain any such

joint request filed not later than the close of business on October 22, 2008. The

respective parties are advised that it is the goal of this court to have this matter either

resolved or tried before the new year.

ORDER

IT IS, THEREFORE, ORDERED that motions #51 and #53 are DENIED

as **MOOT**. The court will entertain any joint motion to reopen and enlarge deadlines

filed not later than the close of business on October 22, 2008.

Signed: October 16, 2008

Dennis L. Howell

United States Magistrate Judge